

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CITY OF GRAND RAPIDS,

Plaintiff/Counter-Defendant,

HONORABLE PAUL L. MALONEY

vs.

Case No. 1:17-cv-00113-PLM-RSK

**GRAND RAPIDS POLICE COMMAND
OFFICERS ASSOCIATION, MATTHEW
JANISKEE, KRISTE KIBBEY ETUE-
MICHIGAN STATE POLICE AND
JEFFREY GETTING-KALAMAZOO
COUNTY PROSECUTOR,**

MAG. RAY KENT

**NOTICE OF SUPPLEMENTAL
AUTHORITY BY CITY OF GRAND
RAPIDS, DAVID RAHINSKY, DANIEL
SAVAGE AND DAVID KIDDLE**

Defendants,

and

MATTHEW JANISKEE,

Counter-Plaintiff/Cross-Plaintiff/
Third-Party Plaintiff,

vs.

CITY OF GRAND RAPIDS,

Counter-Defendant,

**JEFFREY GETTING-KALAMAZOO
COUNTY PROSECUTOR,**

Cross-Defendant,

**DAVID RAHINSKY, DANIEL SAVAGE,
DAVID KIDDLE, PETER McWATTERS,
and DAVID SCHNURSTEIN,**

Third-Party Defendants.

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The City of Grand Rapids, David Rahinsky, Daniel Savage and David Kiddle hereby notify the Court that the case of the *City of South Bend v. South Bend Common Council*, Case No. 3:12-CV-475 JVB at 6 (ND Ind 2015) cited in the above parties' in their Brief in Support of their Motion for Summary Judgment was vacated as resolved on August 1, 2017 by the Seventh Circuit, *City of South Bend v. South Bend Common Council*, No. 15-3315 2017 WL 3262249 (7th Cir., August 1, 2017. In vacating of the District Court's decision in the Seventh Circuit did not reject the legal analysis of the District Court's holding that mistaken recordings do not constitute an intentional interception as required under the Federal Wire Tapping Statute and, thus, does not change the outcome of the above parties' position on their Motion for Summary Judgment.

Respectfully submitted,

MIKA MEYERS PLC
Attorneys for City of Grand Rapids, David Rahinsky,
Daniel Savage and David Kiddle

Dated: August 8, 2017

By: /s/ Scott E. Dwyer

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